

PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PAAB Docket No. 2015-107-01068R

Parcel No. 8947-04-357-015

E. Kent Argo,
Appellant,

v.

Sioux City Board of Review,
Appellee.

Introduction

This appeal came on for consideration before the Property Assessment Appeal Board (PAAB) on December 30, 2015. E. Kent Argo was self-represented and requested a written consideration. Attorney Jack Faith represented the Sioux City Board of Review.

Argo is the owner of a residential property located at 4507 Meadow Lane, Sioux City. The one-story home, built in 1961, has 2398 square feet of above-grade finish; a full basement with 450 square feet of low quality finish; a patio; a two-car attached garage; and an attached shed. The site is 1.725-acres.

The property's January 1, 2015, assessment was \$225,400, allocated as \$54,500 in land value and \$170,900 in improvement value. Argo listed one property in the equity section of the petition; however, an attachment to the petition indicates this property was intended to be a market comparable. Thus, Argo's protest to the Board of Review essentially claimed that the property was assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b). Argo's petition also indicated that he believed the property is not assessable under section 441.37(1)(a)(1)(c). The Board of Review denied the petition.

Argo then appealed to PAAB. He asserts the property's correct fair market value is \$165,000.

Findings of Fact

On his Board of Review petition, Argo asserted the property listed at 411 Queens Court, Sioux City, which sold for \$170,000 in May 2014, supported his claim that his property is over assessed. Argo states this property is 212 square feet larger than his, yet sold for \$55,400 less than his 2015 assessment. He did not provide any other information about the sale or adjust it for differences to arrive at an opinion of market value for his property.

On appeal to PAAB, Argo submitted three additional comparable properties, summarized in the following chart.

	Year Built	Gross Living Area (GLA)	2015 Assessed Value	Sale Price	Sale Date	SP/SF
Subject	1961	2398	\$225,400	N/A	N/A	N/A
436 Queens Ct	N/A	2580	N/A	\$181,000	2013	\$70.16
4455 Perry Way	1953	2788	N/A	\$189,500	2013	\$67.97
4629 Perry Way	1966	2034	N/A	\$145,000	2014	\$71.29

Argo did not provide any information or analysis of the properties and we are unable to determine if they are comparable. Nor did he adjust the sales for differences.

Argo also asserted that a tract adjoining his property has no access and is prone to flooding. For this reason, he asserts it is not assessable. He provided no other evidence such as photographs or a plat map to demonstrate the adjoining tract has no market value or should be exempt from assessment.

The Board of Review's certified record also included a summary of five properties, which the Board of Review presumably relied on in its decision.

	Gross Living Area (GLA)	Sale Price	Sale Date	SP/SF
Subject	2398	N/A	N/A	N/A
411 Queens Ct	1662	\$170,000	May-14	\$102.29
5111 Hamilton Blvd	1784	\$185,000	Dec-13	\$103.70
4726 Chatham Ln	2268	\$199,950	Jun-13	\$88.16
4804 Royal Ct	1712	\$165,000	Nov-13	\$96.38
436 Queens Ct	2580	\$181,000	Nov-13	\$70.16

Like Argo's market analysis, there is limited information about the properties for PAAB to determine if they are comparable. Moreover, they were unadjusted for differences. We give this evidence no consideration.

Conclusions of Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. §§ 441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

Argo submitted four sales of properties he considered comparable to his; however, he did not adjust them to arrive at an opinion of market value for his property. No other evidence was submitted to establish the subject property was over-assessed, such as an appraisal or a cost analysis.

Argo also contended a portion of the property is not assessable under section 441.37(1)(a)(1)(c). However, under Iowa Law, real property is subject to taxation unless an exemption applies. *Wendling Quarries, Inc. v. Property Assessment Appeal Board*, 865 N.W.2d 635, 637 (Iowa 2015) (citing Iowa Code § 427.13). Argo did not assert, nor can we determine, that any exemption would be applicable to this situation.

Order

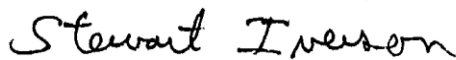
IT IS THEREFORE ORDERED that the Sioux City Board of Review's action is affirmed.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.

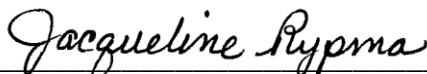
Dated this 17th day of February, 2016.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

Copies to:
E. Kent Argo
Jack Faith